

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:08CR23

UNITED STATES OF AMERICA

VS.

BYRD WARLICK

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ORDER

THIS MATTER is before the Court on receipt of the forensic report of Defendant's psychiatric evaluation from A. F. Beeler, Warden of the Federal Medical Center at Butner, North Carolina, and the Defendant's request for a hearing regarding the findings therein. **See Letter dated May 18, 2008, from Warden A. F. Beeler, Federal Medical Center, Butner, North Carolina; Forensic Evaluation, *attached to* Beeler Letter, dated May 7, 2008; Defendant's Motion for Hearing, filed May 20, 2008.**

The forensic report concludes that Defendant is suffering from a mental disease or defect rendering him mentally incompetent to stand trial. **Forensic Report, *supra*, at 5-6.** It further concludes that there is no substantial probability that his competence will be restored in the

foreseeable future particularly in view of his terminal diagnosis, rapidly deteriorating physical condition, and despite the variety of medications addressing his serious health problems. ***Id.* at 6.**

The report further concludes that, after considering Defendant's past history of violence, his present mental illness or defect, no history of substance abuse, his lack of preoccupation with weapons, the social support of his family, and his good institutional adjustment, the Defendant does not meet the criteria set forth in 18 U.S.C. § 4246(b) in that his release would not pose a substantial threat of injury to another person or serious damage to the property of another. ***Id.* at 7-8.** It was recommended the Defendant be returned to this District for further proceedings. ***Id.* at 9.**

IT IS, THEREFORE, ORDERED that the Defendant be returned to this Court *via* suitable transportation by the United States Marshal for a hearing addressing the conclusions of the forensic report and the need for continued detention pending final disposition of this case.

IT IS FURTHER ORDERED that this matter be scheduled for hearing on **THURSDAY, MAY 22, 2008, AT 4:00 PM**, in the U.S. Courthouse, Third Floor Courtroom, in Asheville, North Carolina, to determine whether the

Defendant shall remain in custody or released on bond pursuant to conditions to be set by the Court.

Signed: May 21, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

